

I certify that the attached is a true and

correct copy of NJR 1, which

was filed of record on 11-8-82

and referred to the committee on:

Judiciary

FILED NOV 8 1982

Boyd G. Henson
Chief Clerk of the House

By Rene O. Oliveira

H J.R.No. 1

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow for the assignment
2 of income for the enforcement of court-ordered child support payments.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article XVI, Section 28, of the Texas
5 Constitution be amended to read as follows:

6 Sec. 28. No current wages for personal service shall ever be
7 subject to garnishment, except for the enforcement of court-ordered
8 child support payments.

9 SECTION 2. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held on November 6,
11 1984. The ballot shall be printed to provide for voting for or
12 against the proposition: "The constitutional amendment allowing
13 the legislature to provide for additional remedies to enforce
14 court-ordered child support payments."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1983

REVISED

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 1
By: Oliveira

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 1 (proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments) this office has determined the following:

This resolution would allow the garnishment of wages for enforcement of court-ordered child support payments and would provide the Department of Human Resources with additional and stronger legal means to enforce and collect child support payments in certain situations.

The probable savings from implementing the provisions of the resolution during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Savings to the General Revenue Fund</u>	<u>Probable Savings to the Federal Funds</u>	<u>Cost Out of Welfare Operating Fund</u>
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1987	3,610,555	3,884,297	54,234
1988	3,717,717	4,003,340	54,234

Similar annual fiscal implications would continue as long as the provisions of the resolution are in effect.

The resolution will also result in some savings related to cost avoidance for non-AFDC cases. The exact amounts are difficult to project with certainty, but could amount to as much as \$2,500,000 annually.

No fiscal implication to units of local government is anticipated.

The cost of publication of this resolution is \$52,350.


Jim Oliver
Director

1983 MAR 24 PM 6:41

HOUSE OF REPRESENTATIVES

HOUSE

COMMITTEE REPORT

1st Printing

By Oliveira, et al.

H.J.R. No. 1

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COMMITTEE REPORT

March 2, 1983
(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON JUDICIARY, to whom was referred H.J.R. 1 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An author's fiscal statement was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

- This measure ☐ proposes new law.
- ☐ amends existing law.

☒ proposes a constitutional amendment.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Bush, Ch.	<input checked="" type="checkbox"/>			
Khoury, V.C.	<input checked="" type="checkbox"/>			
Garcia, M., C.B.O.	<input checked="" type="checkbox"/>			
Armbrister				<input checked="" type="checkbox"/>
Cavazos				<input checked="" type="checkbox"/>
Kemp	<input checked="" type="checkbox"/>			
Martinez, R.	<input checked="" type="checkbox"/>			
Toomey	<input checked="" type="checkbox"/>			
Wilson	<input checked="" type="checkbox"/>			

Total
7 aye
0 nay
0 present, not voting
2 absent

Bob Bunk
CHAIRMAN
Thynolds
COMMITTEE COORDINATOR

BILL ANALYSIS

Background Information:

Presently the Texas Constitution forbids the garnishment of wages for personal services, with no exceptions. Thus, any parent who has failed to make child support payments need not fear that their paychecks will be docked.

Critics point out that the purpose of the garnishment prohibition is to ensure that income is available for family subsistence. Arguably, the income of an obligor parent should be subject to garnishment, since the money would go towards the needs of the legal dependents of the obligor. In addition, current methods of enforcing child support obligations have proved futile, as reflected by the willingness of 75% of obligor parents to disregard their support duties, or have not been effective in securing a monetary return.

Purpose:

H.J.R. 1 would amend the Texas Constitution to permit the garnishment of wages for enforcement of child support obligations.

Section-by-Section Analysis:

Section 1. Amends Article XVI, Section 28 of the Texas Constitution to allow the garnishment of wages for enforcement of child support obligations.

Section 2. Proposed amendment to be submitted to the voters at the 1984 general election.

Rulemaking Authority:

This bill does not delegate rulemaking authority to any state agency, department, or officer.

Summary of Committee Action:

Public notice was posted in accordance with Rule 4, Section 12 of the Rules of Procedure of the House of Representatives and a public hearing was held on March 2, 1983.

On March 2, 1983, the full Committee voted to report H.J.R. 1 favorably to the House with the recommendation that it do pass by a record vote of 7 ayes, no nays, and 2 absent.

The following witnesses appeared to testify in favor of H.J.R. 1:

Honorable Harley Clark, District Judge, representing himself;
Ms. Patricia F. Broline, Attorney, representing the Texas Women's Political Caucus;
Ms. Cicily Simms, Attorney, representing herself and the Texas Women's Political Caucus;
Mr. Phil Strickland, Attorney, representing the Texas Baptist Christian Life Commission;
Mr. Bill J. Ballard, Administrator of Wichita County Family Court Services, representing himself;

Ms. Nancy Westerfeld, Director of Harris County Child Support Enforcement, representing herself;

Mr. Larry Brown, Assistant District Attorney and Chief of Child Support Enforcement Division, Office of Criminal District Attorney of Tarrant County, representing himself;

Mr. Tom Morgan, Prosecuting Attorney, representing himself;

Mr. Kenneth D. Fuller, Attorney, representing the Family Law Council of the State Bar of Texas;

Ms. W. Jeanne Meurer, Attorney for the Travis County Domestic Relations Office, representing the Domestic Relations Office of Travis County;

Ms. Judith Cassetty, Assistant Professor, School of Social Work at the University of Texas, representing herself;

Mr. Barry Fredrickson, Assistant Commissioner for Child Support Enforcement, Department of Human Resources, representing himself and the Texas Department of Human Resources;

Ms. G. K. Sprinkle of Austin, Consultant, representing Texas N.O.W.;

Mr. Michael Diehl, Publications Writer, representing Texas Fathers for Equal Rights, Wives and Grandparents Coalition and Mothers without Custody of Dallas/Ft. Worth; and

Dr. John J. Sampson, Professor of Law, University of Texas, representing himself.

No persons appeared to testify against the bill.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1983

REVISED

Honorable Bob Bush, Chair
Committee on Judiciary
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 1
By: Oliveira

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 1 (proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support payments) this office has determined the following:

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Jim Oliver
Director

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Austin, Texas

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Jim Oliver
Director

Source: Secretary of State; LBB Staff: JO, JH, SB, SZ, LV

1000 APR 13 PM 1:55

HOUSE REPRESENTATIVES

HOUSE ENGROSSMENT

By Oliveira, et al.

H.J.R. No. 1

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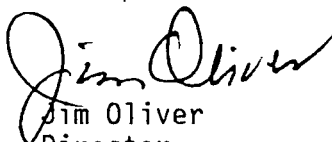
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Jim Oliver
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Source: Secretary of State; LBB Staff: JO, JH, SB, SZ, LV

1 By: Oliveira, et al. (Senate Sponsor - Farabee) H.J.R. No. 1
2 (In the Senate - Received from the House April 14, 1983;
3 April 14, 1983, read first time and referred to Committee on State
4 Affairs; April 21, 1983, reported favorably; April 21, 1983, sent
5 to printer.)

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16 submitted to the voters at an election to be held on
17 November 6, 1984. The ballot shall be printed to provide for
18 voting for or against the proposition: "The constitutional
19 amendment allowing the legislature to provide for additional
20 remedies to enforce court-ordered child support payments."

21 * * * * *

22 Austin, Texas
23 April 21, 1983

24 Hon. William P. Hobby
25 President of the Senate

26 Sir:

27 We, your Committee on State Affairs to which was referred H.J.R.
28 No. 1, have had the same under consideration, and I am instructed
29 to report it back to the Senate with the recommendation that it do
30 pass and be printed.

31 Farabee, Chairman

LEGISLATIVE BUDGET BOARD

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FISCAL NOTE

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Committee on Judiciary
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Source: Secretary of State; LBB Staff: JO, JH, SB, SZ, LV

H.J.R. 1

Floor Amendment No. 1

By: *Farabee*
Farabee

Amend H.J.R. 1 by amending the first sentence in SECTION 2
to read as follows:

"This proposed constitutional amendment shall be
submitted to the voters at an election to be held on
November 8, 1983."

ADOPTED

MAY 17 1983

Betty King
Secretary of the Senate

1023 MAY 17 PM 7: 28
SENATE AMENDMENTS
LEGISLATIVE

SENATE AMENDMENTS

2nd Printing

By Oliveira, et al.

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H.J.R. No. 1

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Source: Secretary of State; LBB Staff: JO, JH, SB, SZ, LV

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 17 1983

Betty King
Secretary of the Senate

F

ENROLLED

H.J.R. No. 1

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H.J.R. No. 1

President of the Senate

Speaker of the House

I certify that H.J.R. No. 1 was passed by the House on April 13, 1983, by the following vote: Yeas 137, Nays 7, 3 present, not voting; and that the House concurred in Senate amendments to H.J.R. No. 1 on May 19, 1983, by the following vote: Yeas 141, Nays 2, 1 present, not voting.

Chief Clerk of the House

H.J.R. No. 1

I certify that H.J.R. No. 1 was passed by the Senate, with amendments, on May 17, 1983, by the following vote: Yeas 27, Nays 3.

Secretary of the Senate

APPROVED: _____
Date

Governor

RECEIVED: _____
Date

Secretary of State

H. J. R. No. 1

By Rene G. Oliveira

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to allow for the assignment of income for the enforcement of court-ordered child support.

NOV 8 1982 1. Filed with the Chief Clerk.

JAN 27 1983 2. Read first time and referred to Committee on

MAR 21 1983

Judicial Affairs Judiciary
3. Reported favorably ^(as amended) and sent to Printer at 3:45 pm MAR 24 1983
_(as substituted)

MAR 24 1983 4. Printed and distributed at 6:41 pm

MAR 25 1983 5. Sent to Committee on Calendars at 9:15 am

APR 13 1983

6. Read second time (amended) and (finally) passed to ~~Third Reading~~ by a Record Vote of 137 yeas, 7 nays, 3 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 13 1983

11. Ordered Engrossed at 12:47 pm

APR 13 1983

12. Engrossed.

APR 13 1983

13. Returned to Chief Clerk at 1:55 pm

APR 14 1983

14. Sent to the Senate.

Betty Murray
Chief Clerk of the House

APR 14 1983

15. Received from the House

APR 14 1983

16. Read, referred to Committee on STATE AFFAIRS

APR 21 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 17 1983

20. Regular order of business suspended by (a viva voce vote.)
27 yeas, 3 nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 17 1983

22. Read second time amended passed to third reading by: (a viva voce vote.)
_____ yeas, _____ nays.)

MAY 17 1983

23. Caption ordered amended to conform to body of bill.

MAY 17 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 27 yeas,
3 nays to place bill on third reading and final passage.

MAY 17 1983

25. Read third time and passed by

(a viva voce vote.)
(27 yeas, 3 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King

Secretary of the Senate

5-17-83

26. Returned to the House.

MAY 17 1983

27. Received from the Senate (with amendments.)
(~~as substituted.~~)

MOTION TO SUSPEND ALL NECESSARY RULES IN
ORDER TO TAKE UP AND CONSIDER AT THIS TIME
PREVAILED BY ~~NON~~-RECORD VOTE.

and

MAY 19 1983

28. House (Concurred) (~~Refused to Concur~~) in Senate (Amendments) by a (Non-Record
(~~Vote~~) (Record Vote of 141 yeas, 2 nays, 1 present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 19 1983

31. Ordered Enrolled at 4:42 pm

1983 APR 13 PM 1:54
HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES
1983 MAR 24 PM 6:47
1983 MAY 17 PM 7:28